

IN RE: PETITION FOR ZONING VARIANCE
W/S Loganview Drive, 250 ft.
W/ S of Court Way
3452 Loganview Drive
12th Election District
7th Councilmanic District
Brian Barnes, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-170-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 ft. in lieu of 10 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Brian Barnes and Lisa Marie Barnes, appeared and testified. Appearing on behalf of the Petition was Gary Sipes. Appearing as Protestants were Mr. and Mrs. Long.

Testimony indicated that the subject property, known as 3452 Loganview Drive, consists of .115 acres, zoned D.R.5.5, and is currently improved with a two story framed dwelling, accessory shed and above ground pool.

Mr. Barnes testified that he is desirous of constructing an addition on the east side of his dwelling to provide additional habitable space for his wife and child. Mr. Barnes testified that the addition would have no plumbing or heating and have no windows along the property line. He indicated that this is the only appropriate place on his property to put the addition as his bedrooms are located to the rear of the dwelling.

The Protestants, Mr. Long and Mrs. Long are adjoining neighbors.

Testimony indicated that the Longs are concerned that the proposed addition would have a negative impact on the resell value of their home. Testimony indicated that there would only be 7 ft. remaining between the wall of the proposed addition and the Longs' home if the addition would be permitted to be placed on the boundary line. The Longs were also concerned about the water runoff and the ability of Petitioners to maintain the addition if it were placed on the boundary line as requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted in part, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result

if the variance was not granted in part. However, placing such a large addition directly on the property line will adversely and unnecessarily block light and air from the Longs property and ultimately have a detrimental impact to the public health, safety and general welfare. However, completely denying the Petitioners' requested relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Therefore, the relief will be granted in part.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of January, 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 ft. in lieu of 10 ft., in accordance with the Petitioners' Exhibit No. 1, is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be GRANTED a variance from Section 1802.3.C.1 to permit a side yard setback of 2 ft. in lieu of the required 10 ft. for the proposed addition, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The addition

- shall contain no sleeping quarters and no kitchen or bathroom facilities.
3. The Petitioners shall place no windows along the side yard of said addition.
 4. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 1-11-91
By M. B. B. B.

ORDER RECEIVED FOR FILING
Date 1/11/91
By M. B. B. B.

ORDER RECEIVED FOR FILING
Date 1/11/91
By M. B. B. B.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 10, 1991

Mr. and Mrs. Brian Barnes
3452 Loganview Drive
Dundalk, Maryland 21222

RE: Petition for Zoning Variance
Case No. 91-170-A
Brian Barnes, et ux, Petitioners

Dear Mr. and Mrs. Barnes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel
cc: Mr. and Mrs. Long

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-170-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To permit a side yard setback of zero ft. in lieu of the required 10 ft. for a proposed addition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather; bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of said petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) _____
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name) _____
Address _____ Phone No. _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Name _____ Phone No. _____
Address _____
City and State _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1991, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 1/11/91
By M. B. B. B.

LEGAL DESCRIPTION OF PROPERTY

BEGINNING ON THE WEST SIDE OF LOGANVIEW DRIVE, 50' WIDE, AT A DISTANCE 250' ± SOUTH OF THE CENTERLINE OF COURT WAY. BEING LOT 27 IN THE SUBDIVISION OF DUNDALK. BOOK 14, FOLIO 113. ALSO, KNOWN AS 3452 LOGANVIEW DRIVE. IN THE 12th ELECTION DISTRICT.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 9/11/90
PUBLIC HEARING FEES QTY PRICE
010 -ZONING VARIANCE (IRL) 1 X \$35.00
LAST NAME OF OWNER: BARNES TOTAL: \$35.00

receipt
No 3386

0404#0114#MCHRC \$35.00
BA C011:54#MD9-11-90
Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 12/2/90
Posted for: Various
Petitioner: Brian Barnes, et ux
Location of property: W/S Loganview Drive, 250' S of Court Way
Location of Sign: Property, Loganview Dr., near 22nd St. Dundalk
Remarks: on property of P. Haines
Posted by: M. B. B. B. Date of return: 12/2/90
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11-30-90

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-22-90

THE JEFFERSONIAN,
State Edition
Publisher

\$32.03

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the date indicated below.
Petition for Zoning Variance
Case number: 91-170-A
W/S Loganview Drive, 250' S of Court Way
(3452 Loganview Drive)
12th Election District
7th Councilmanic District
Petitioner(s):
Brian Barnes, et ux
Hearing Date: Thursday, Dec. 20, 1990 at 11:30 a.m.
Valence: to permit a side yard setback of zero ft. in lieu of the required 10 ft. for a proposed addition.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
11061 Nov. 90

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place
P. O. Box 8936
Dundalk, Md. 21222

November 21, 19 90

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - P.O. #0108925 - Reg. #M47738 - Case #91-170-A - 57 lines @ \$28.50 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 22nd day of November 19 90 ; that is to say, the same was inserted in the issues of November 21, 1990.

Kimbel Publication, Inc.
per Publisher.

By Kimbel Publication, Inc.

receipt

Account: R-001-6150
Number

91176-3
122099AD-CW

NR100324

PUBLIC HEARING FEES
CITY PRICE
CITY POSTING SIGNS / ADVERTISEMENTS
TOTAL \$85.53

054030045MICRO
054030045MICRO
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE: 12-5-90

Mr. & Mrs. Brian Barnes
3452 Loganview Drive
Dundalk, Maryland 21222

RE: Petition for Zoning Variance
CASE NUMBER: 91-170-A
W/S Loganview Drive, 250' (+/-) S of Court Way
(#3452 Loganview Drive)
12th Election District - 7th Councilmanic District
Petitioner(s): Brian Barnes, et ux
HEARING: THURSDAY, DECEMBER 20, 1990 at 11:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 85.53 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-170-A
W/S Loganview Drive, 250' (+/-) S of Court Way
(#3452 Loganview Drive)
12th Election District - 7th Councilmanic District
Petitioner(s): Brian Barnes, et ux
HEARING: THURSDAY, DECEMBER 20, 1990 at 11:30 a.m.

Variance to permit a side yard setback of zero ft. in lieu of the required 10 ft. for a proposed addition.

cc: Mr. & Mrs. Brian Barnes

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 3, 1990

Mr. & Mrs. Brian Barnes
3452 Loganview Drive
Dundalk, MD 21222

RE: Item No. 103, Case No. 91-170-A
Petitioner: Brian Barnes, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Barnes:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 3rd day of October, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Brian Barnes, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 2, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Brian Barnes, Item No. 103

The Petitioner requests a Variance to permit a side yard setback of zero ft. in lieu of the required 10 ft. for a proposed addition.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM103/2AC1

RECEIVED
10/4/90

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

October 3, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 73, 94, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, & 112.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSE/jw

RECEIVED
OCT 9 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

OCTOBER 9, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BRIAN BARNES

Location: #3452 LOGANVIEW DRIVE

Item No.: 103 Zoning Agenda: OCTOBER 2, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Carl J. Kelly* 10-9-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JZ/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
SEPTEMBER 28, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES 2-2.3

SUBJECT: ZONING ITEM #: 103
PROPERTY OWNER: Brian Barnes, et ux
LOCATION: W/S Loganview Drive, 250' (+/-) of Court Way (#3452 Loganview Drive.)
ELECTION DISTRICT: 12th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
 - () PARKING LOCATION () RAMPS (degree slope)
 - () NUMBER PARKING SPACES () CURB CUTS
 - () BUILDING ACCESS () SIGNAGE
 - () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
 - (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
 - () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
 - () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
 - (X) OTHER - See various (1) hour rated assemblies for use in walls within 3'-0" of an interior property line as per Article #9 of the Building Code.
- PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.
- THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.
- APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 3, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for October 2, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 93 (revised), 73, 94, 99, 101, 102, 103, 104, 105, 106, 108, 110, 111 and 112.

Item 107 is subject to the previous County Review Group comments.

For Item 109, a County Review Group Meeting is required. Church Lane is to be improved as a 40-foot paving section on a 50-foot right-of-way.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

RECEIVED

10/4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Donald C. Outen

SUBJECT: Petition for Zoning Variance - Item 118
Doty Property
Chesapeake Bay Critical Area Findings

RECEIVED
JAN 9 1991

ZONING OFFICE

SITE LOCATION

The subject property is located at 2313 Maple Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Benjamin Doty

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.c.1 of the Baltimore County Zoning Regulations to permit a "buildable lot width of 50 feet in lieu of the minimum required 55 feet".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law.

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
December 17, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This property is located approximately 800 feet from the tidal waters of North Point Creek. Therefore, the shoreline buffer shall not be disturbed.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no filling of wetlands shall occur.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The applicant is proposing a 784 square foot house with a porous gravel driveway. This development will create impervious surfaces which total 11% of the lot. Impervious surfaces shall not be allowed to sum to more than 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 8 items - ball and burlap or 2 gallon container size

Tree list: 2 items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Memo to Mr. J. Robert Haines
December 17, 1990
Page 3

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
 - (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
 - (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
- (4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: To comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Donald C. Outen
Donald C. Outen, Acting Director
Department of Environmental Protection
and Resource Management

RWS:OCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Vincent Gardina
The Honorable Donald Mason
Mrs. Janice S. Outen
Mr. and Mrs. Benjamin Doty
Mr. and Mrs. Charles Poole

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

197753 PAGE 4 60

91-170-A

This Deed, MADE THIS 17th day of December

in the year one thousand nine hundred and Eighty-Seven by and between
M.
ROSE M. TURNER and AGNES ZAWORSKI, Personal Representatives of the Estate of FRANCIS F. MARX, deceased,
of Baltimore County, State of Maryland, parties of the first part, and
BRIAN F. BARNES and LISA M. BARNES, his wife, parties

of the second part.

Witnesseth, That in consideration of the sum of FIFTY-FOUR THOUSAND NINE HUNDRED AND 00/100THS (\$54,900.00) DOLLARS, and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said Rose M. Turner and Agnes Zaworski, Personal Representatives of the Estate of Francis F. Marx, deceased,

do grant and convey to the said Brian F. Barnes and Lisa M. Barnes, his wife, as tenants by the entireties, their assigns, the survivor of them, and the survivor's

heirs
personal representatives and assigns, in fee simple, all
that lot of ground situated in Baltimore County, State of Maryland,
and described as follows, that is to say:

BEING known and designated as Lot No. 27, Block No. 1, as shown on Plat No. 6C of Dundalk, which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.B. No. 14, folio 113 and 114; the improvements thereon being known as #3452 Loganview Drive.

BEING the same lot of ground described in a Deed dated May 28, 1962 and recorded among the Land Records of Baltimore County in Liber WJR 3995 folio 230 was granted and conveyed by Harry F. Schmidt, Jr. unto Francis F. Marx.
THE said Francis F. Marx having departed this life on or about April 18, 1981. See Register of Wills for Baltimore County, File No. 62063. Said Personal Representatives having been appointed on July 2, 1987.

8 82-1 15.00
8 17-1 274.30
8 18-1 273.00
DEED
8 19-1 544.50
8 20-1 12/30/87

AGRICULTURAL TRANSFER VIEW
NOT APPLICABLE

SIGNATURE *JK* DATE 12/28/87

RECEIVED FOR TRANSFER
CHIEF CLERK OF
ASSESSMENTS & TAXATION
for Baltimore County
12/28/87

8 8011-*****87840A 2226A



